

IN RE: Application of Eddie Richardson for Approval) ORDER APPROVING
to Sell the Scenic Lake Wastewater Treatment) SALE AND DISCUSSING
Facility to Paul Steinburg) MOTION FOR
) CONFIDENTIALITY

According to the Petition, a Deed for the sale and transfer of the facility and system will be executed upon this Commission's approval, along with a copy of the plat of the property and access to the lagoon and sewer system collection lines. The Agreement between Mr. Richardson and Mr. Steinburg reveals that Mr. Steinburg will charge the Commission's currently approved flat rate of \$30.00 per month. Further, according to the Agreement, Mr. Steinburg agrees and is subject to the current terms and conditions of the NPDES permit issued by the South Carolina Department of Health and Environmental Control (DHEC) on August 1, 2005, and which will remain in effect until

July 31, 2010. Mr. Steinburg is a customer of the Scenic Lake system, and has had a background in maintenance and management.

The Office of Regulatory Staff (ORS) has no objection to the transfer. ORS states that Mr. Richardson and Mr. Steinburg have completed all of the necessary documentation to facilitate the transfer of the plant. The parties have provided ORS with a copy of the system map, a contract between the parties, and a performance bond. In addition, ORS has inspected the facilities. Further, Mr. Steinburg has filed a business plan with DHEC, and that agency states that it is satisfied with the plan.

S.C. Code Ann. Regs. 103-504 (Supp. 2005) states that no sewer utility shall sell its system without first obtaining from the Commission a certificate that the sale, transfer, or acquisition is in the public interest. We have examined the present matter, and are convinced that the requisite certificate should be awarded. We hold that the transfer is in the public interest, and is hereby approved.

Unfortunately, with regard to the Motion for Confidentiality of Mr. Steinburg's personal financial statement to support his performance bond, the Motion provided no grounds for this Commission's consideration as to its appropriateness. Accordingly, the Motion is denied at this time, although we also grant interim confidential treatment, for reasons explained below.

When an individual as stockholder, partner, sole owner, etc. of a water and/or sewer company chooses to support a bond with a personal financial statement pursuant to 26 S.C. Code Ann. Regs. 103-512.3.3 (Supp. 2005) that person should understand that his financials are normally considered to be public information, and subject to the Freedom

of Information Act (S.C. Code Ann. Section 30-4-10 *et seq.* (1976 and Supp. 2005), in view of the fact that a public utility is involved. Clearly, an applicant always has the option of furnishing a surety bond to meet the bonding requirement of operating a water and/or sewer utility which would not require disclosure of a personal financial statement. See 26 S.C. Code Ann. Regs. 103-512.3.2 (Supp. 2005). The fact that he has chosen a personal financial bond seems to indicate a willingness to make public his financial statement.

However, we believe that Mr. Steinburg should have a chance to furnish the grounds for this Motion to this Commission. Accordingly, the Motion is denied at this time. However, Mr. Steinburg has ten (10) days from the receipt of this Order to furnish further information to support the Motion or to indicate that he prefers to meet the bonding requirement through other means. If Mr. Steinburg chooses to provide further information in relation to his grounds for the original Motion, we can then reconsider the Motion at a later date. Until such time, the financial statement shall continue to receive interim confidential treatment by this Commission, but if Mr. Steinburg has not provided a further filing within ten (10) days of receipt of this Order, the interim confidential treatment will expire.

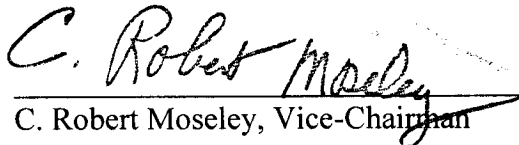
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice-Chairman

(SEAL)